

Senate Bill No. 1523

Passed the Senate August 31, 2002

Secretary of the Senate

Passed the Assembly August 31, 2002

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Chapter 11 (commencing with Section 42580) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1523, Sher. Solid waste: cathode ray tube and CRT devices: recycling and refurbishment.

(1) Existing law requires the California Integrated Waste Management Board to administer state programs to recycle plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials.

This bill would establish a state program administered by the board to recycle cathode ray tubes (CRTs) and CRT devices, as defined.

The bill would impose, on and after January 1, 2004, a CRT recycling fee of \$10, upon every purchase in the state of a CRT device from a CRT device retailer or manufacturer, as defined. The bill would require the prospective bidder in a procurement conducted by a state agency for the purchase or lease of equipment, materials, or supplies, to certify compliance with that provision, or justify noncompliance, as specified. The bill would require every manufacturer and retailer that sells CRT devices directly to consumers to collect the fee at the time of sale for each CRT device sold in the state. The bill would require the manufacturer and retailer to transmit the fees, minus a specified amount for administrative costs, to the board on or before the last day of the month following each quarter, accompanied by any forms prescribed by the board.

The bill would require the board to deposit the fees in the Cathode Ray Tube Recycling Account, which the bill would establish in the Integrated Waste Management Fund. The funds in the account would be available to the board, upon appropriation, for the purposes of implementing the recycling and refurbishment program.

The bill would establish the Cathode Ray Tube Recycling Advisory Committee within the board to advise the board on certain matters relating to the recycling and refurbishment



program. The committee would consist of 7 members appointed by the Governor for 2-year terms, as specified, to represent specified interested parties.

The bill would require the board to use funds in the account to (a) provide grant funds to local governments to establish and maintain local programs that provide for the convenient and cost-effective collection and recycling of cathode ray tubes and CRT devices; (b) provide recycling incentive payments to CRT material handlers that collect and process cathode ray tubes and CRT devices, as specified; (c) provide grants to nonprofit agencies that accept for recycling cathode ray tubes and CRT devices for reuse; (d) provide grants to manufacturers of CRT devices to encourage consumers to return the devices for processing or recycling, and to assist manufacturers in collecting, processing, or recycling, CRT devices; (e) establish a public information program to educate the public on the hazards of improper CRT device storage and disposal and on the opportunities to recycle CRT devices; and (f) provide funding, upon appropriation, to the Department of Toxic Substances Control to implement and enforce certain provisions relating to hazardous waste control, as those provisions relate to CRT devices, and any regulations adopted by the department pursuant thereto.

The bill would make it unlawful, on and after January 1, 2004, for a manufacturer or retailer to sell a CRT device directly to a consumer in the state unless the specified fee has been paid on the CRT device. The bill thereby would establish a state-mandated local program by creating a new crime.

The bill would authorize the board to adopt rules and regulations for the purpose of administering the program.

This bill would require the board to report to the Governor and Legislature on or before July 1, 2003, regarding the implementation of the above provisions.

The bill would incorporate provisions added to the Public Resources Code by SB 1619, which would become operative only if SB 1619 is chaptered and becomes effective on or before January 1, 2003, and is chaptered before this bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 42580) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 11. CATHODE RAY TUBE RECYCLING

42580. The Legislature finds and declares all of the following:

(a) Many electronic waste products contain hazardous materials that may pose risks to public health and the environment if improperly handled or discarded.

(b) Most California communities lack the infrastructure needed to provide for the convenient and affordable collection, refurbishment, processing, and recycling of electronic wastes.

(c) It is the intent of the Legislature to ensure that funds are available to assist cities, counties, and recyclers of electronic wastes in developing programs to safely collect and recycle the hazardous materials contained in electronic wastes.

(d) It is also the intent of the Legislature to promote the refurbishment and reuse of electronic equipment for use by schools and nonprofit agencies.

42581. For the purposes of this chapter, the following terms have the following meanings, unless the context clearly requires otherwise:

(a) “Account” means the Cathode Ray Tube Recycling Account established under Section 42583.

(b) “Cathode ray tube” or “CRT” means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

(c) “Committee” means the Cathode Ray Tube Recycling Advisory Committee established under Section 42584.

(d) “CRT device” means any television, video monitor, computer monitor, or other device that contains one or more cathode ray tubes.



(e) “Department” means the Department of Toxic Substances Control.

(f) “Fee” means the cathode ray tube recycling fee established under Section 42582.

(g) “Hazardous waste” has the same meaning as defined in Section 25117 of the Health and Safety Code.

(h) “Manufacturer” means a person who produces CRT devices.

(i) “Purchase” means the taking, by sale, of title or of the right to use, in exchange for consideration.

(j) “Retailer” means a person who owns or operates a business that sells CRT devices.

(k) “Sell” or “sale” means any transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other, similar electronic means, and excluding wholesale transactions with distributors or dealers.

42582. (a) (1) On and after January 1, 2004, a cathode ray tube recycling fee of ten dollars (\$10) is hereby imposed upon every purchase in the state of a CRT device from a retailer or a manufacturer.

(2) Every retailer and manufacturer that sells CRT devices directly to consumers shall collect at the time of sale the fee imposed under paragraph (1) for each CRT device sold in the state.

(b) Each retailer and manufacturer shall transmit all fees collected under subdivision (a), minus 3 percent which may be retained by the retailer or manufacturer for administrative costs associated with collecting the fee, to the board on or before the last day of the month following each quarter, accompanied by any forms prescribed by the board.

42582.5. The board shall do all of the following:

(a) Establish procedures for the imposition and collection of the fee on CRT devices sold by retailers and manufacturers directly to consumers.

(b) To the extent necessary to implement this chapter, collect information from the manufacturers of CRT devices on their sales of CRT devices, including, but not limited to, any of the manufacturer’s devices sold by retailers, and the fees paid on those devices.



(c) On or before July 1, 2003, report to the Governor and the Legislature on the implementation of this chapter, including recommendations for changes to this chapter that will ensure the least cost and most effective collection of CRT recycling fees and provide incentives to manufacturers of CRTs and CRT devices to reduce or eliminate the use of hazardous materials and utilize recycled materials.

42582.7. This chapter shall become inoperative if either of the following occur:

(a) A federal law, or combination of federal laws, takes effect and does all of the following:

(1) Establishes a program for the collection, recycling, and proper disposal of CRT devices that is applicable to all CRT devices sold in the United States.

(2) Provides revenues to the state to support the collection, recycling, and proper disposal of CRT devices, in amounts that are equal to or greater than the revenues that would be generated by the fees imposed under Section 42582.

(b) Requires CRT device manufacturers, retailers, handlers, processors, and recyclers to dispose of those devices in a manner that is in compliance with all applicable federal, state, and local laws, regulations, and ordinances, and prohibits the devices from being exported for disposal in a manner that poses a significant risk to the public health or the environment.

(c) A trial court issues a judgment, which is not appealed, or an appellate court issues an order affirming a judgment of a trial court, holding that out-of-state manufacturers or retailers, or both, may not be required to collect the fee authorized by this chapter. Any such order shall be stayed until all appeals are concluded. The out-of-state manufacturers or retailers, or both, shall continue to collect the fee during the appellate process.

42583. The board shall deposit all fees collected under Section 42582 in the Cathode Ray Tube Recycling Account, which is hereby established in the Integrated Waste Management Fund. Funds in the account shall be made available to the board for expenditure pursuant to this chapter, upon appropriation by the Legislature.

42584. (a) The Cathode Ray Tube Recycling Advisory Committee is hereby established within the board to advise the



board on matters relating to, but not limited to, both of the following:

(1) Annual priorities for the disbursement of funds as provided in Section 42585.

(2) Removing impediments to the recovery, refurbishment, and recycling of cathode ray tubes and CRT devices.

(b) The committee shall consist of seven members appointed by the Governor to represent all of the following:

(1) Manufacturers, retailers, refurbishers, and recyclers of cathode ray tubes and CRT devices.

(2) Public interest environmental organizations.

(3) Local government.

(4) Solid waste collection companies.

(c) Committee members shall be appointed for two-year terms, except that for the initial term, three members shall be appointed to one-year terms and four members shall be appointed to two-year terms. The Governor shall appoint a replacement if any vacancy occurs.

42585. The board shall use funds in the account to do all of the following:

(a) Provide grant funds to local governments to establish and maintain local programs that provide for the convenient and cost-effective collection and recycling of cathode ray tubes and CRT devices.

(b) Provide recycling incentive payments to CRT material handlers that collect and process cathode ray tubes and CRT devices, if those facilities comply with all of the applicable provisions of Sections 66273.80 to 66273.90, inclusive, of Title 22 of the California Code of Regulations.

(c) Provide grants to nonprofit agencies that accept for recycling cathode ray tubes and CRT devices.

(d) Provide grants to manufacturers of CRT devices to encourage consumers to return the devices for processing, or recycling, and to assist manufacturers in collecting, processing, or recycling CRT devices.

(e) Establish a public information program to educate the public on the hazards of improper CRT device storage and disposal and on the opportunities to recycle CRT devices. Not more than one percent of funds in the account may be used for the purpose of implementing this subdivision.



(f) Upon appropriation, provide funding to the department to implement and enforce Chapter 6.5 (commencing with Section 25000) of the Health and Safety Code, as that chapter relates to CRT devices, and any regulations adopted by the department pursuant thereto.

42585.5. (a) The board shall use the funds in the account to do all of the following:

(1) Provide grant funds to local governments to establish and maintain local programs that provide for the convenient and cost-effective collection and processing of cathode ray tubes and CRT devices.

(2) Provide annual recycling incentive payments to CRT material handlers that collect and process cathode ray tubes and CRT devices, if those facilities comply with all of the applicable provisions of Sections 66273.80 to 66273.90, inclusive, of Title 22 of the California Code of Regulations.

(3) Provide grants to nonprofit organizations that recycle cathode ray tubes and CRT devices. Grants to nonprofit organizations made under this paragraph may be made available for the purposes of recycling CRT devices and for the training of persons in the recycling of those devices.

(4) Provide grants to manufacturers of CRT devices to encourage consumers to return the devices for processing or recycling and to assist manufacturers in collecting, processing, or recycling CRT devices.

(5) Establish a public information program to educate the public on the hazards of improper CRT device storage and disposal and on the opportunities to recycle CRT devices. Not more than 1 percent of funds in the account may be used for the purposes of implementing this paragraph.

(6) Provide funding to the Department of Toxic Substances Control to implement and enforce Chapter 6.5 (commencing with Section 25000) of the Health and Safety Code, as that chapter relates to CRT devices, and any regulations adopted by that department pursuant thereto.

(b) This section shall become operative only if SB 1619 of the 2001–02 Regular Session is chaptered and becomes effective on or before January 1, 2003, and is chaptered before the act that adds this section, in which case Section 42585 of the Public Resources Code, as added by the act that adds this section shall not become



operative, and this section shall prevail over Section 42590 of the Public Resources Code as added by SB 1619.

42586. No grant or incentive payment may be made by the board under subdivisions (a) to (d), inclusive, of Section 42585 unless the applicant for the grant or payment demonstrates both of the following:

(a) That the CRT devices collected by the applicant will be recycled, refurbished, or disposed in a manner that is in compliance with all applicable federal, state, and local laws, regulations, and ordinances, and that the devices will not be exported from the state for disposal in a manner that poses a significant risk to the public health or the environment.

(b) That the applicant will accept for recycling any CRT device for which fees have been paid without charging for that recycling.

42586.5. (a) No grant or incentive payment may be made by the board under paragraphs (1) to (4), inclusive, of subdivision (a) of Section 42585.5 unless the applicant for the grant or payment demonstrates that the CRT devices collected by the applicant will be recycled or disposed of in a manner that is in compliance with all applicable federal, state, and local laws, regulations, and ordinances, and the devices will not be exported from the state for disposal in a manner that poses a significant risk to the public health or the environment.

(b) This section shall become operative only if SB 1619 of the 2001–02 Regular Session is chaptered and becomes effective on or before January 1, 2003, and is chaptered before the act that adds this section, in which case Section 42586 of the Public Resources Code, as added by the act that adds this section shall not become operative, and this section shall prevail over Section 42591 of the Public Resources Code as added by SB 1619.

42587. On and after January 1, 2004, it is unlawful for a manufacturer or retailer to sell a CRT device directly to a consumer in the state unless the fee established under Section 42582 has been paid for the CRT device.

42587.5. This chapter does not apply to the noncommercial resale of a CRT device consisting of a computer monitor that is leased to a school or student and subsequently sold to that school or student.

42587.7. (a) The Legislature finds and declares that existing law prohibits the disposal of cathode ray tubes and CRT devices



in landfill facilities and requires that the tubes and devices be disposed of in accordance with provisions of law relating to disposal of hazardous waste.

(b) Accordingly, the Legislature further finds and declares that the following shall be the goals of the state regarding the diversion and recycling of cathode ray tubes and CRT devices:

(1) On and after January 1, 2004, not less than 80 percent of cathode ray tubes and CRT devices shall be diverted from disposal in landfill facilities.

(2) On and after January 1, 2006, not less than 95 percent of cathode ray tubes and CRT devices shall be diverted from disposal in landfill facilities.

(3) On and after January 1, 2004, not less than 25 percent of cathode ray tubes and CRT devices shall be diverted from disposal at a hazardous waste facility and recovered for recycling.

(4) On and after January 1, 2007, not less than 50 percent of cathode ray tubes and CRT devices shall be diverted from disposal at a hazardous waste facility and recovered for recycling.

(5) On and after January 1, 2010, not less than 75 percent of cathode ray tubes and CRT devices shall be diverted from disposal at a hazardous waste facility and recovered for recycling.

(c) This section is intended to provide goals to facilitate and encourage compliance with existing laws relating to the disposal of hazardous waste. Nothing in this section is intended to supercede any other provision of law relating to the disposal of hazardous waste.

(d) This section shall become operative only if SB 1619 of the 2001–02 Regular Session is chaptered and becomes effective on or before January 1, 2003, and is chaptered before the act that adds this section, in which case this section shall prevail over Section 42592 of the Public Resources Code, as added by SB 1619.

42588. No person may export a CRT or CRT device for disposal to any country where the export of hazardous waste, as defined by the Basel Convention on the Control of Transboundary Movement of Hazardous Waste and their Disposal, is prohibited by the Basel Convention Ban Amendment.

42589. The imposition of a CRT recycling fee is a matter of statewide interest and concern and is applicable uniformly throughout the state. No city, county, city and county or other public agency may adopt, implement, or enforce an ordinance,



resolution, regulation, or rule establishing a CRT recycling fee unless expressly authorized by this division. This section does not prohibit the adoption, implementation, or enforcement of any local ordinance, resolution, regulation, or rule governing curbside or dropoff recycling programs operated by, or pursuant to a contract with, a city, county, city and county or other public agency, including actions relating to fees for these programs.

42590. (a) A state agency that purchases or leases equipment, materials, or supplies shall require each prospective bidder, to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for the procurement, have complied with Section 42582 and any regulations adopted by the board, or to demonstrate that Section 42582 is inapplicable to all lines of business engaged in by the bidder, its agents, subsidiaries, partners, joint venturers, or subcontractors. Failure to provide the certification shall render the prospective bidder and its agents, subsidiaries, partners, joint venturers, and subcontractors ineligible to bid on the procurement.

(b) The bid solicitation documents shall specify that the prospective bidder is required to cooperate fully in providing reasonable access to its records and documents that evidence compliance with Section 42582 and with subdivision (a).

(c) Any person awarded a contract by a state agency that is found to be in violation of Section 42582 or subdivision (a) is subject to the following sanctions:

(1) The contract shall be voided by the state agency to which the equipment, materials, or supplies were provided.

(2) The contractor is ineligible to bid on any state contract for a period of three years.

(3) If the Attorney General establishes in the name of the people of the State of California that any money, property, or benefit was obtained by a contractor as a result of violating Section 42582, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit in the interest of justice.

42590.5. The board may adopt rules and regulations for the purpose of administering this chapter.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2002

Governor

